LOS ANGELES WATERKEEPER®

July 5, 2016

JUL 12 2016

SENT VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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Downey, California 90242

Victor Gonzales, Facility Manager
Universal Molding Company, Inc.
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Lynwood, CA 90262

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Thomas Webster, Legally Responsible Person
North Star Acquisition, Inc.
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10807 Stanford Avenue
Lynwood, CA 90262

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Universal Molding Extrusion Company, Inc.
10807 Stanford Avenue
Lynwood, CA 90262

Re: Notice of Violation and Intent to File Suit Under the Federal Water Pollution Control Act

To Whom It May Concern:

I am writing on behalf of Los Angeles Waterkeeper ("Waterkeeper") regarding violations of the Clean Water Act[1] ("Act") and California's General Industrial Storm Water Permit[2] ("General Industrial Permit" or "Permit") occurring at the four industrial facilities described below at TABLE 1.

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[1] Federal Water Pollution Control Act 33 U.S.C. § 1251 *et seq.*

[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001, Water Quality Order No. 92-12-DWQ, Order No. 97-03-DWQ, as amended by Order No. 2014-0057-DWQ. Between 1997 and June 30, 2015, the Storm Water Permit in effect was Order No. 97-03-DWQ ("1997 Permit"), which as of July 1, 2015, was superseded by Order No. 2014-0057-DWQ ("2015 Permit"). As explained herein, the 2015 Permit and the 1997 Permit contain the same fundamental requirements and implement the same statutory mandates. Waterkeeper may herein refer to the 1997 Permit and the 2015 Permit interchangeably as the "General Industrial Permit" or "Permit."

TABLE 1

DESCRIPTION OF THE FOUR FACILITIES THAT ARE THE SUBJECT OF THIS NOTICE LETTER

Facility No.	Company Name	Facility Address	WDID	City
1	Universal Molding Company, Inc.[3]	10807-10890 Stanford Ave.	4 19I014397	Lynwood
2	Universal Molding Company, Inc.	10840-10850 Drury Lane	4 19I026222	Lynwood
3	Universal Molding Extrusion Company, Inc.	9151 East Imperial Highway	4 19I013881	Downey
4	North Star Acquisition, Inc.	14912 S Broadway	4 19I023611	Gardena

According to information and belief, Facility 1 and Facility 2 are owned and/or operated by Universal Molding Company, Inc., along with individuals Dominick L. Baione, Victor Gonzales, and Raul Campos; Facility 3 is owned and/or operated by Universal Molding Extrusion Company, Inc.[4], along with individuals Dominick L. Baione and Joseph Sokol; and Facility 4 is owned and/or operated by the North Star Acquisition, Inc., along with individuals Dominick L. Baione and Thomas Webster. Waterkeeper reserves the right to revise and update the description of responsible parties if new information becomes available. Where appropriate, Facility 1, Facility 2, Facility 3 and Facility 4 may be referred to collectively as the "Facilities," and the responsible owners and operators of the Facilities may be referred to collectively as "Universal Molding."[5]

Section 505 of the Clean Water Act allows citizens to bring suit in federal court against facilities alleged to be in violation of the Act and/or related permits. Section 505(b) of the Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act, 33 U.S.C. § 1365(a), a citizen must give notice of its intention to file suit. Notice must be given to the alleged violator(s), the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of EPA, the Executive Officer of the water pollution control agency in the State in which the alleged violations occur, and, if the violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

This communication ("Notice Letter") is issued pursuant to the Act, 33. U.S.C. §§ 1365(a) and (b) and is sent to Universal Molding, and to you as the responsible owners and/or operators of the Facilities, in order to: 1) detail violations of the General Industrial Permit, and therefore the Act, occurring at the Facilities, and b) to provide formal notice that Waterkeeper intends to file a federal enforcement action against Universal Molding for its violations of Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311, 1342. Unless the Facilities and Universal

[3] According to information available to Waterkeeper, Universal Molding Company, Inc. at times conducts business using the name Allocast Technologies, *see e.g.* http://allocast.com/ which lists the business address as 10808 Stanford Avenue in Lynwood.

[4] According to information obtained from the Secretary of State of the State of California, UMEX's legal status is "merged out," and therefore this entity may not be legally conducting business at this address.

[5] Evidence from communications with the Regional Water Quality Control Board (Region 4) confirms that the four facilities are under common ownership and control. See Dec. 14, 2015 communication from Gloria Anguiano to the Paula Rasmussen at the Regional Board.

Molding take the actions necessary to remedy the ongoing violations of the Act and General Industrial Permit, Waterkeeper intends to file suit in U.S. District Court following expiration of the 60-day notice period, seeking civil penalties, injunctive relief, fees and costs. The Facilities and Universal Molding are subject to civil penalties for all violations of the Act occurring since July 5, 2011.[6]

I. Background

A. Los Angeles Waterkeeper

Waterkeeper is a non-profit public benefit corporation organized under the laws of California and is located at 120 Broadway, Santa Monica, California 90401. Waterkeeper is an organization of the Waterkeeper Alliance, the world's fastest growing environmental movement.

Founded in 1993, Waterkeeper is dedicated to the preservation and defense of the inland and coastal surface and groundwaters of Los Angeles County. The organization works to achieve this goal through a synergy of education, outreach, organizing, litigation and regulatory programs that ensure the protection and enhancement of all waterways in Los Angeles County.

Where necessary to achieve its objectives, Waterkeeper directly initiates enforcement actions under the Act on behalf of itself and its approximately 3,000 members who live and/or recreate in and around the Los Angeles basin and the Receiving Waters—Compton Creek, the Los Angeles River, the San Gabriel River, the Dominguez Channel, and the Pacific Ocean. Waterkeeper members use these waters, and connected waterways, beaches, ocean waters, and the surrounding areas to fish, surf, swim, sail, SCUBA dive, kayak, bird watch, view wildlife, hike, bike, walk, and run. Additionally, Waterkeeper members use the waters to engage in scientific study through pollution and habitat monitoring and restoration activities.

The unlawful discharge of pollutants from the Facilities into the Receiving Waters impairs the ability of Waterkeeper members to use and enjoy these waters. Thus, the interests of Waterkeeper's members have been, are being, and will continue to be adversely affected by the Facilities' failure to comply with the Clean Water Act and General Industrial Permit.

B. The Clean Water Act and Storm Water Permitting

The objective of the Act is to "restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. §§ 1251(a), 1311(b)(2)(A). To this end, the Act prohibits the discharge of a pollutant from any point source[7] into waters of the United States

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[6] The Facilities and Universal are liable for both violations of the 1997 Permit and ongoing violations of the 2015 Permit. *See Illinois v Outboard Marine, Inc.* 680 F.2d 473, 480-81 (7th Cir. 1982) (granting relief for violations of an expired permit); *Sierra Club v Aluminum Co of Am.*, 585 F. Supp. 842, 853-54 (N.D.N.Y 1984) (holding that the Clean Water Act's legislative intent and public policy favor allowing penalties for violations of expired permits); *Pub. Interest Research Group of N.J. v Carter Wallace, Inc.* 684 F. Supp. 115, 121-22 (D.N.J. 1988) (holding that limitations of an expired permit, when transferred to a newly issued permit, are viewed as currently in effect for enforcement purposes).

[7] A point source is defined as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding

except in compliance with other requirements of the Act, including Section 402, which provides for NPDES permits. 33 U.S.C. §§ 1311(a), 1342(p). In California, the EPA has delegated it authority to issue NPDES permits to the State Water Resources Control Board ("State Board"). 33 U.S.C. §§ 1342(b), (d). The Los Angeles Regional Water Quality Control Board ("Regional Board") is responsible for issuance and enforcement of the General Industrial Permit in Region 4, which covers both the Facilities and Receiving Waters. In order to discharge storm water lawfully in California, each Facility must enroll in and comply with all terms of the Permit.

1. *The 1997 General Industrial Permit*

The 1997 Permit required that dischargers meet all applicable provision of Sections 301 and 402 of the Act. These provisions require control of pollutant discharges using Best Management Practices ("BMPs") that achieve either best available technology economically achievable ("BAT") or best conventional pollutant control technology ("BCT") to prevent or reduce pollutants.[8] 33 U.S.C. §§ 1311(b)(2)(A), (B). Rather than requiring the specific application of BAT or BCT techniques to each storm water discharge, compliance with the terms and conditions of the 1997 Permit served as a proxy for meeting the BAT/BCT mandate. *See* 1997 Permit, Finding 10. Conversely, failure to comply with the terms and conditions of the 1997 Permit constituted a failure to subject discharges to BAT/BCT in violation of the Act.

2. *The 2015 General Industrial Permit*

The 2015 Permit retains the essential structure and mandate of the 1997 Permit, including the requirement to comply with BAT/BCT standards. The 2015 Permit requires operators to implement certain minimum BMPs, as well as advanced BMPs as necessary to achieve compliance with the Effluent Limitations and Receiving Water Limitations. In addition, the 2015 Permit requires all facility operators to sample storm water discharges more frequently than the 1997 Permit, and to compare the analytical results of sample testing to numeric action levels ("NALs") as opposed to the EPA Benchmarks. All facility operators are required to perform Exceedance Response Actions ("ERAs") as appropriate when sample testing indicates a NAL exceedance. Failure to comply with the terms and conditions of the 2015 Permit equivalent to a failure to subject discharges to BAT/BCT and constitutes violation of the Act.

3. *Both Permits Applicable to the Facilities in June 2016*

Both the 1997 Permit and the 2015 Permit generally require facility operators to: i) submit a Notice of Intent ("NOI") certifying the type of activity or activities undertaken at a facility and committing the operator to comply with the terms and conditions of the Permit; ii) eliminate unauthorized non-storm water discharges; iii) develop and implement a Storm Water Pollution Prevention Plan ("SWPPP"); iv) monitor storm water discharges and authorized non-

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operation, or vessel or other floating craft, from which pollutants are or may be discharged. 33 U.S.C. § 1362(14); see 40 C.F.R. § 122.2.

[8] Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BCT for conventional pollutants, which include Total Suspended Solids ("TSS"), Oil and Gas ("O&G"), pH, biochemical oxygen demand ("BOD") and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional, which must undergo BAT treatment prior to discharge. *Id.*; 40 C.F.R. § 401.15.

storm water discharges; and v) file complete and accurate Annual Reports by July 15 of each year, in which the owner/operator must describe the facility, summarize the year's industrial activities and certify compliance with the terms and conditions of the Permit.

In addition to these requirements, it is required that all industrial facilities collect storm water samples from multiple storm events during the year, and analyze samples for various pollutants associated with all industrial activity, including Total Suspended Solids ("TSS"), pH, Specific Conductance ("SC")[9], and either Total Organic Content ("TOC") or Oil and Gas ("O&G"). 1997 Permit B(5)(c)(i); 2015 Permit XI(B)(6)(a)-(b).

II. The Facilities, Receiving Waters and Applicable Discharge Standards

A. The Facilities' Industrial Activities

1. *Facility 1—Universal Molding Company, Inc. (dba Allocast Technologies)*

Facility 1 recycles scrap aluminum. The aluminum scraps are melted to a semi-fluid paste, cast into aluminum billet, which are then shipped back to aluminum extruders for extruding into various shapes. Facility 1 is classified under Standard Industrial Classification ("SIC") Codes 3341 ("Secondary Smelting and Refining of Nonferrous Metals"), 3363 ("Aluminum Die Casting"), 3442 ("Metal Doors, Sash, Frames, Molding, and Trim Manufacturing"), and 3479 ("Coating, Engraving, and Allied Services").[10]

Facility 1 drains to Compton Creek, the Los Angeles River, and ultimately, to the Pacific Ocean. Facility 1 has as many as seven (7) and as few as two (2) discharge points.[11]

According to the 2015 SWPPP, Facility 1 generates Non-RCRA hazardous waste. Universal Molding identifies the pollutants listed below in IMAGE 1 as stored, used and/or produced on site.

IMAGE 1
IMAGE CAPTURE FROM 2015 SWPPP FOR FACILITY 1

Potential pollutants stored and used within the facility are:

- Cooling Tower Water Microbiocide
- Cooling Tower Water Treatment
- Chemlube 5000 ELV Synthetic Lubricant
- Silicone
- Titanium
- Copper
- Chromium
- Aluminum
- Water Tower Sludge Waste

[9] The 2015 Permit does not require facilities to analyze samples for Specific Conductance.
[10] SIC Codes are transcribed from the NOI 2015 and Annual Report 2012-13.
[11] Waterkeeper has found disparate and inconsistent descriptions of discharge points at Facility 1, *compare* AR 2014-15 *with* Allocast SWPPP. Waterkeeper will seek to clarify the number and location of any and all discharge points at Facility 1.

2. *Facility 2—Universal Molding Company, Inc.*

Facility 2 finishes extruded aluminum for custom applications. Facility 2 cleans, anodizes and colors aluminum extrusions for various applications, including window frames, motor homes, and electronic equipment. The process of anodizing requires soaking aluminum in various chemical "process" baths, and then finishing per client specifications. Facility 2 is classified under SIC Codes 3442 ("Metal Doors, Sash, Frames, Molding, and Trim Manufacturing"), 3443 ("Fabricated Plate Work"), 3479 ("Coating, Engraving, and Allied Services") and 9999 ("Non-Classifiable Establishments").

Facility 2 drains to Compton Creek, the Los Angeles River, and ultimately, to the Pacific Ocean. Facility 2 has as many as seven (7) and as few as five (5) discharge points.[12]

According to the 2015 SWPPP filed with the Regional Board, Facility 2 generates unknown quantities of various Hazardous Wastes. Non-RCRA hazardous wastes on site are filter cake (primarily composed of aluminum hydroxides), nickel, sodium, iron, calcium, magnesium hydroxides and salts. Universal Molding identifies the pollutants listed below in IMAGE 2 as stored, used and/or produced on site.

IMAGE 2
IMAGE CAPTURE FROM 2015 SWPPP FOR FACILITY 2

Potential Pollutants On-Site:

- Liquid Caustic Soda
- SC Caustic - AD
- Anofast
- Sulfuric Acid
- Houghto-Etch AX-2050
- NF Alumseal 101
- Cleaner GP
- Desmutt Non-Chromated Deoxidizer
- Bronze Electrocolor
- Ferric Ammonium Oxalate Bath
- Waste Oil

3. *Facility 3—Universal Molding Extrusion Company, Inc. (UMEX)*

Facility 3 operates an aluminum extrusion press, fabricates steel parts, and conducts powder coating and painting processes for aluminum and steel parts. Facility 3 is classified under SIC Codes 3499 ("Fabricated Metal Products, Not Elsewhere Classified"), 3354 ("Aluminum Extruded Products") and 3479 ("Coating, Engraving, and Allied Services").

Facility 3 drains to the San Gabriel River, and ultimately into the Pacific Ocean.[13]

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[12] The 2015 SWPPP indicates there are only two (2) discharge points, but that information is inconsistent with information contained in various Annual Reports on file with the Regional Board. Waterkeeper will seek to clarify the number and location of any and all discharge points at Facility 2.

[13] The 2015 NOI on file with Regional Board for Facility 3 indicates that storm water discharges flow to Los Cerritos Channel, the beneficial uses of which include wildlife habitat, noncontact water recreation and warmwater habitat. Los Cerritos Channel is impaired for Copper, Zinc and Lead. However, upon information and belief, Waterkeeper herein alleges that Facility 3 drains to the San Gabriel River.

Facility 3 has as few as two (2), and perhaps more, discharge points.[14]

Universal Molding identifies the pollutants listed below in IMAGE 3 as stored, used and/or produced on site.

IMAGE 3

IMAGE CAPTURE FROM 2015 SWPPP FOR FACILITY 3

Potential pollutants stored and used within the facility are:

- Hydraulic and Mobil Oil
- Transmission Fluid
- Sodium Hydroxide
- Powder Paint
- Metal Working Fluid
- Cor Clene 5011
- Sulfuric Acid
- Waste Oil

4. *Facility 4—North Star Acquisition, Inc.*

Facility 4, according to the 2015 SWPPP, is primarily a "custom house" that provides rolled formed metal products for various end uses. The fabrication process involves a wide range of saws, bending, welding, chemical applications and curing techniques. Facility 4 is classified under the "catch-all" SIC Code 3499 ("Fabricated Metal Products, Not Elsewhere Classified").

Facility 4 drains to the Dominguez Channel, and ultimately to the Pacific Ocean. Facility 4 has as few as three (3), and perhaps more, discharge points.[15]

Universal Molding identifies the pollutants listed below in IMAGE 4 as stored, used and/or produced on site.

IMAGE 4

IMAGE CAPTURE FROM 2015 SWPPP FOR FACILITY 4

Potential pollutants stored and used within the facility are:

- Shell Fenella Water Soluble Oil
- Shell Dromus Oil B
- Tellus Oil (Hydraulic Oil)
- Klendraw W-4179
- Ruby Titanium Grinding Oil

[14] The information available to Waterkeeper is inconsistent, *compare* 2015 SWPPP *with* AR 2014-15. Waterkeeper will seek to clarify the number and location of any and all discharge points at Facility 3.

[15] The information available to Waterkeeper is inconsistent, *compare* 2015 SWPPP, which indicates only 3 discharge points *with* AR 2013-14, which indicates 4 discharge points. Waterkeeper will seek to clarify the number and location of any and all discharge points at Facility 4.

B. The Facilities' Receiving Waters

Storm water and non-storm water contaminated with sediment, heavy metals, and other pollutants harm the special aesthetic and recreational significance the Receiving Waters have for people in surrounding communities, including Waterkeeper members. The public's use of the Receiving Waters for water contact sports and fishing exposes many people to toxic metals, pathogens, bacteria and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

With every significant rainfall event millions of gallons of polluted storm water originating at industrial facilities pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. In Los Angeles County, these discharges contribute not only to the impairment of the Receiving Waters, but also the connected coastal waters, beaches and estuaries used by millions of residents and visitors. Contaminated discharges threaten the health of the aquatic and associated terrestrial ecosystems in and around the Receiving Waters, and also the welfare of communities that live near and/or use these resources.

Discharges of polluted storm water and non-storm water to the Receiving Waters pose carcinogenic, developmental and reproductive toxicity threats to the public, and adversely affect the aquatic environment. Polluted discharges from the Facilities, as described in detail at Section III of this Notice Letter, cause and/or contribute to the degradation of these already impaired waters, beaches, and recreational and wildlife resources.

C. Applicable Standards Under the Act and Permit

The Act requires that any person discharging pollutants to waters of the United States from a point source obtain coverage under an NPDES permit, such as the General Industrial Permit.[16] *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1). As described above, both the 1997 Permit and the 2015 Permit require that all dischargers meet all applicable provisions of Act's Sections 301 and 402. Thus, compliance with the General Industrial Permit constitutes compliance with the Act for purposes of storm water discharges. 33 U.S.C. §§ 1311(b)(2)(A), 1311(b)(2)(E). Conversely, failure to comply with the terms and conditions of the Permit constitutes a violation of the Act for failure to subject discharges to BAT/BCT.

1. *Effluent Limitations*

The Permit's Effluent Limitation—section B(3) of the 1997 Permit and V(A) of the 2015—require dischargers to reduce or prevent pollutants in their storm water discharges through the implementation of BMPs that meet BAT standards for toxic and non-conventional

[16] Universal Molding Facility 1 NOI 2015 filed Aug. 18, 2015; Universal Molding Facility 2 NOI 2015 filed Sept. 16, 2015; UMEX Facility 3 NOI 2015 filed Sept. 21, 2015; North Star Facility 4 NOI 2015 filed Aug. 14, 2015.

pollutants, and BCT standards for conventional pollutants.[17] The EPA published "benchmark" levels as numeric thresholds to aid in determining whether a facility discharging industrial storm water had implemented the requisite BAT and/or BCT as mandated by the Act. *See United States Environmental Protection Agency NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity*, as modified effective May 9, 2009. EPA's benchmarks served as objective measures for evaluating whether a facility's BMPs achieve BAT/BCT standards as required by Effluent Limitation B(3) of the 1997 Permit. Under the 2015 Permit, the State Board replaced the use of "benchmarks" with Numeric Action Levels ("NALs"). *See* 2015 Permit V(A). NALs are derived from, and function similar to, EPA benchmarks. *See* 2015 Permit Fact Sheet I(D)(5). Benchmarks and NALs values represent pollutant concentrations at which a storm water discharge could impair, or contribute to impairing, water quality and/or affect human health. The analytical results from a given facility are measured against EPA's benchmarks and/or the State Board's NALs to determine whether BMPs are adequate to qualify as meeting the statutory mandate. Thus, exceedances of the benchmarks and/or NALs evidence failure to comply with both the Permit and Act.

In addition to analyzing storm water sample for the core parameters—pH, SC, TSS and O&G/TOC—facilities with certain SIC Codes must analyze samples for additional pollutants that are likely present in their storm water discharges on account of the facility's general industrial category. 1997 Permit B(5)(c)(iii); 2015 Permit XI(B)(6)(d). All facilities must also analyze their storm water samples for "toxic chemical and other pollutants that are likely to be present" due the specific activities on site. 1997 Permit B(5)(c)(ii); 2015 Permit XI(B)(6)(c). Lastly, a facility may also be required to test samples for other pollutants in storm water discharges based on characteristics of the Receiving Water.

Further, Waterkeeper puts Universal on notice that the 2015 Permit Effluent Limitation V.A is a separate, independent requirement which with all facilities must comply, and that carrying out the iterative process triggered by exceedances of NALs listed in Table 2 of the 2015 Permit does not amount to compliance with Effluent Limitation V.A. While exceedances of the NALs demonstrate that a facility has failed and continues to fail to implement pollution prevention measures required by the Permit, the NALs do not represent technology based criteria relevant to determining whether an industrial facility has implemented BMPs that achieve BAT/BCT.[18] And even if Universal Molding submits an Exceedance Response Action Plan as required by Section XII of the 2015 Permit, the violations of Effluent Limitations V.A described at Section III of this Notice Letter are ongoing.

EPA benchmarks and/or NALs established for pollutants discharged from the Facilities, and for which Universal Molding must analyze samples, are summarized below at TABLE 2.

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[17] Toxic pollutants are listed at 40 C.F.R. § 401.15; conventional pollutants are listed at 40 C.F.R. § 401.16.

[18] "The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the 2015] Permit are not, in and of themselves, violations of [the 2015] Permit." 2015 Permit, Finding 63, p. 11. The NALs do, however, trigger reporting requirements. See 2015 Permit, Section XII.

TABLE 2
BENCHMARK AND NAL VALUES FOR POLLUTANTS DISCHARGED FROM UNIVERSAL MOLDING FACILITIES

PARAMETER/ POLLUTANT	EPA BENCHMARK	ANNUAL NAL	INSTANTANEOUS MAXIMUM NAL
pH	6.0-9.0 s.u.	n/a	6.0-9.0 s.u.
TSS	100 mg/L	100 mg/L	400 mg/L
O&G	15 mg/L	15 mg/L	25 mg/L
SC	200 uhmos/cm	200 uhmos/cm	n/a
TOC	110 mg/L	110 mg/L	n/a
COD	120 mg/L	120 mg/L	n/a
Al	0.75 mg/L	0.75 mg/L	n/a
N+N	0.68 mg/L	0.68 mg/L	n/a
Fe	1.0 mg/L	1.0 mg/L	n/a
Zn	0.117 mg/L	0.26 mg/L	n/a
Cu	0.0332 mg/L	0.0332 mg/L	n/a
Pb	0.262 mg/L	0.262 mg/L	n/a
Ni	1.02 mg/L	1.02 mg/L	n/a
Mg	0.064 mg/L	0.064 mg/L	n/a

2. *Receiving Water Limitations*

Receiving Water Limitation C(2) of the 1997 Permit prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").[19] The 2015 Permit incorporates the same standard. *See* 2015 Permit VI(A). Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California ("CTR"), 40 C.F.R. § 131.38, and the State Board's "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties" ("Basin Plan").[20] Discharges that contain pollutants in excess of an applicable WQS violate these Receiving Water Limitations.

Receiving Water Limitation C(1) of the 1997 Permit prohibits storm water discharge and authorized non-storm water discharges to surface waters that adversely impact human health or the environment. The 2015 Permit includes the same receiving water limitation. *See* 2015 Permit VI.B. Thus, discharges that contain pollutant concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of the Permit.

3. *Monitoring and Reporting Requirements*

The Storm Water Permit requires that *each individual facility* develop and implement a storm water monitoring and reporting program ("M&RP") prior to conducting, and in order to continue, industrial activities. The primary objective of the M&RP is to detect and measure concentrations of pollutants in a facility's storm water discharges to ensure compliance with the Permit's Effluent Limitations and Receiving Water Limitations. *See* 1997 Permit B(2); 2015 Permit XI. An effective M&RP ensures that BMPs are effectively reducing and/or eliminating pollutants at a facility, and is evaluated and revised whenever appropriate to ensure compliance

[19] Industrial storm water discharges must strictly comply with water quality standards, including those criteria listed in the applicable basin plan. *See Defenders of Wildlife v. Browner*, 191 F.3d 1159, 1166-67 (9th Cir. 1999).
[20] *available at* http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml.

with the core BAT/BCT standard. The foundational elements of an adequate M&RP are the creation and implementation of a robust SWPPP that is specific to the facility and revised/ improved in response to lessons learned from implementation and data collection.

As noted above, the 1997 Permit and 2015 Permit impose substantially identical requirements on covered facilities. *See* 1997 Permit B(3)- B(16), 2015 Permit X(I) and XI(A)-XI(D). The 1997 Permit required facilities conduct quarterly visual observations of all drainage areas for the presence of authorized and unauthorized non-storm water discharges. 1997 Permit B(3). The 2015 Permit increased the frequency of visual observations to monthly, and requires that observations be completed at the same time samples are collected. 2015 Permit XI(A). The Permit requires that facilities complete visual observations of storm water discharges from one event per month during the wet season. 1997 Permit B(4); 2015 XI(A)(2). Dischargers must document observations, and any responses taken to address problems observed, including revisions made to the SWPPP. 1997 Permit B(3)-(4); 2015 Permit XI(A)(2)-(3).

The Permit requires facilities to collect samples of storm water discharges from each of the discharge locations—2 annual samples under the 1997 Permit, and 4 total samples under the 2015 Permit[21]—taking care that water collected is representative of the discharge from each discharge point. 1997 Permit B(5), B(7); 2015 Permit XI(B)(1)-(5). In addition to the standard parameters discussed above, each storm water sample collected must be analyzed for the following: i) additional parameters based on a facility's SIC code (see e.g. 1997 Permit Table D; 2015 Permit Section XI(B)(6)(d)); ii) additional applicable industrial parameters related to the receiving waters with 303(d) listed impairments, or approved Total Maximum Daily Loads ("TMDL") (see e.g. 2015 Permit XI(B)(6)) and iii) pollutants associated with the specific industrial operations at a given facility (*see e.g.* 2015 Permit XI(B)(6)(c)). Section XI(B)(11) of the 2015 Permit, among other requirements, provides that permittees must submit all sampling and analytical results for all samples via SMARTS within 30 days of obtaining results.

III. Violations of the Permit and Act at Universal Molding Facilities

The citizen suit provisions of the Act provide that "any citizen" may commence a suit "against any person," including a corporation, "who is alleged to be in violation of an effluent standard or limitation under this chapter." 33 U.S.C § 1365(a)(1). The Act then defines "effluent standard or limitation" to include "a permit or condition" issued under section 402. *Id.* § 1365(f)(6). Accordingly, Waterkeeper may commence a suit alleging violations of the General Industrial Permit by the Facility. *See Natural Resources Defense Council v Southwest Marine, Inc.*, 236 F. 3d 985 (9th Cir. 2000) (allowing citizen action for alleged storm water permit violations holding company liable for discharges of "significant contributions of pollutants" and inadequate record keeping).

Waterkeeper puts Universal Molding on notice that the Permit's Effluent Limitations and Receiving Water Limitations are violated each time storm water discharges from one of the

[21] The 2015 Permit requires facilities to collect samples from each discharge location from two storm events within the first half of each reporting year (July 1-Dec. 31) and two storm events from the second half of each reporting year (Jan. 1-Jun 30).

Facilities without having been subjected to properly developed and implemented BMPs. See, e.g. Exhibit A: Storm Event Summary. These discharge violations are ongoing and will continue every time Universal Molding discharges polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Each time Universal Molding discharges polluted storm water in violation of Effluent Limitations or Receiving Water Limitations is a separate and distinct violation of both the Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a). Universal Molding is subject to civil penalties for all violations of the Act occurring since July 5, 2011.

Information available to Waterkeeper indicates that the Facilities have failed and continue to fail to develop and/or implement BMPs to address pollutant sources and avoid contaminated discharges as required by the Permit. As evidence of these failures, the Facilities have violated and continue to violate the Permit's Effluent Limitations, Receiving Water Limitations and M&RP requirements, as detailed below.

A. Facility 1 and Facility 2

1. *Effluent Limitation Violations*

According to information available to Waterkeeper, including a thorough review of both electronic and hard copy files in the Regional Board's possession, Facility 1 and Facility 2 have been in continuous violation of the Permit's Effluent Limitations for the entirely of the relevant statute of limitations—July 5, 2011 to July 5, 2016. TABLE 3, below, summarizes those data available to Waterkeeper that evidence violations of the Permit's Effluent Limitation.

TABLE 3
SAMPLING DATA DEMONSTRATES ONGOING EXCEEDANCES OF EFFLUENT LIMITATIONS FOR MULTIPLE POLLUTANTS

LINE	SAMPLE DATE	PARAMETER	OBSERVED CONCENTRATION	EPA BENCHMARK	APPLICABLE NAL AFTER 7/1/15	FACILITY
1	5/4/12	SC	556 uhmos/cm	200 uhmos/cm	n/a	1 or 2[22]
2	5/4/12	Cu	0.035 mg/L	0.0332 mg/L	n/a	1 or 2
3	5/4/12	N+N	2.27 mg/L	0.68 mg/L	n/a	1 or 2
4	5/4/12	Zn	0.326 mg/L	0.117 mg/L	n/a	1 or 2
5	5/14/15	pH	5.56 pH units	6.0-9.0 pH units	n/a	1 or 2[23]
6	5/14/15	pH	5.64 pH units	6.0-9.0 pH units	n/a	1 or 2
7	5/14/15	pH	5.59 pH units	6.0-9.0 pH units	n/a	1 or 2
8	5/14/15	Al	4.05 mg/L	0.75 mg/L	n/a	1 or 2
9	5/14/15	Al	4.17 mg/L	0.75 mg/L	n/a	1 or 2

[22] Universal Molding improperly reported Facility 1 and 2 as a single facility until 2015. See *infra.*
[23] Waterkeeper believes samples from 5/14/15 are taken at the Drury Lane Facility 2 based on notes on the laboratory's intake forms. These forms, however, are unclear and may indicate that the samples combine discharges from as many as five (5) discharge points—under Client Sample ID, the lab filled in "#1,2,3,4,5 Middle."

10	5/14/15	Al	4.36 mg/L	0.75 mg/L	n/a	1 or 2
11	5/14/15	Fe	2.72 mg/L	1.0 mg/L	n/a	1 or 2
12	5/14/15	Fe	2.34 mg/L	1.0 mg/L	n/a	1 or 2
13	5/14/15	Fe	2.81 mg/L	1.0 mg/L	n/a	1 or 2
14	5/14/15	Zn	2.43 mg/L	0.117 mg/L	n/a	1 or 2
15	5/14/15	Zn	0.23 mg/L	0.117 mg/L	n/a	1 or 2
16	5/14/15	Zn	0.261 mg/l	0.117 mg/L	n/a	1 or 2
17	12/22/15	N+N	6.28 mg/L	n/a	0.68 mg/L	1
18	12/22/15	Al	1.2 mg/L	n/a	0.75 mg/L	1
19	12/22/15	Zn	3.9 mg/L	n/a	0.26 mg/L	1
20	12/22/15	Al	0.805 mg/L	n/a	0.75 mg/L	2
21	1/5/16	Fe	1.48 mg/L	n/a	1.0 mg/L	1
22	1/5/16	Fe	1.96 mg/L	n/a	1.0 mg/L	1
23	1/5/16	Al	1.2 mg/L	n/a	0.75 mg/L	1
24	1/5/16	Al	2.5 mg/L	n/a	0.75 mg/L	1
25	1/5/16	Cu	0.10	n/a	0.0332 mg/L	1
26	1/5/16	Cu	0.055	n/a	0.0332 mg/L	1
27	1/5/16	Zn	0.98 mg/L	n/a	0.26 mg/L	1
28	1/5/16	Zn	3.0 mg/L	n/a	0.26 mg/L	1
29	1/5/16	Pb	0.78	n/a	0.262 mg/L	1

The results of storm water sample analysis between May 2012 and Jan. 2016 (lines 1-29) show consistent exceedances of the EPA benchmark levels and applicable NAL values for various indicator parameters. In numerous cases the Facility has self reported to the Board exceedances of parameters by orders of magnitude—see e.g. line 1 exceedance of the benchmark for Specific Conductance by almost 300%, and line 17 exceedance of the N+N NAL by more than 900%.[24] Information available to Waterkeeper, including the sampling data summarized above in TABLE 3, demonstrates that the Facility has failed and continues to fail to develop or implement BMPs that achieve compliance with the Act's BAT/BCT mandates.

Waterkeeper puts Universal Molding on notice that Facility 1 and Facility 2 violate the Permit's Effluent Limitations and the Act every time it discharges storm water without adequate BMPs (see Exhibit A "Storm Event Summary"). These discharge violations are ongoing and will continue every time Facility 1 and/or Facility 2 discharge polluted storm water without developing and implementing BMPs consistent with BAT/BCT standards. Waterkeeper may supplement and update TABLE 3 as additional data becomes available.

[24] Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

2. *Receiving Water Limitations*[25] *Violations*

Facility 1 and Facility 2 drain to Compton Creek, the Los Angeles River and ultimately into the Pacific Ocean near popular coastal resources.[26] Based on information and belief, sampling data reported to the State and Regional Boards demonstrate that storm water discharges from Facility 1 and Facility 2 contain concentrations of pollutants that exceed primary and secondary standards. These data provide further evidence of Facility 1 and Facility 2 have failed and continue to fail to develop and implement adequate BMPs.

i. Primary Receiving Water Limitation

The Basin Plan identifies beneficial uses of the Receiving Waters to include, among others, municipal and domestic water supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, and wildlife habitat. The Basin Plan provides a chemical constituent standard that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. Water designated for use as Domestic or Municipal Supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals)..."[27] The Basin Plan provides a Maximum Contaminant Level ("MCL") for Al of 1 mg/L.

The EPA 303(d) List of Water Quality Limited Segments lists Reach 1 of the Los Angeles River as impaired for zinc.[28] As a result, the Basin Plan contains additional water quality standards for the Los Angeles River in an amendment setting forth Total Maximum Daily Loads ("TMDLs") for the Los Angeles River.[29] For General Industrial Permit holders, the Basin Plan sets forth interim wet-weather concentration-based waste load allocations ("WLAs") that have been enforceable conditions for discharges since January 11, 2011. There is a WLA for zinc of 0.117 mg/L. Further, the CTR contains a freshwater numeric water quality standard for zinc of 0.120 mg/L (Criteria Maximum Concentration – "CMC"). 65 Fed.Reg. 31712 (May 18, 2000). Therefore, those discharges described at lines 4, 8-10, 14-16, 18-20, 23-34 and 27-28 of TABLE 3 constitute independent and distinct violations of the Permit's primary Receiving Water Limitations.

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[25] As described above in Section II, the primary Receiving Water Limitation requires that industrial storm water discharges not cause or contribute to an exceedance of applicable WSQ, including those established by EPA, contained in a Statewide Water Quality Control Plan, the CTR or set in the Basin Plan. 1997 Permit C(2); 2015 Permit VI(A). The secondary Receiving Water Limitation requires that industrial storm water discharges not adversely affect human health or the environment. 1997 Permit C(1); 2015 Permit VI(B).

[26] Pollutants discharged into Compton Creek flow to the Pacific Ocean via the Los Angeles River Estuary, Los Angeles/Long Beach Harbor, and San Pedro Bay.

[27] Basin Plan at 3-8.

[28] *See* http://www.waterboards.ca.gov/centralvalley/water_issues/tmdl/impaired_waters_list/2008_2010_usepa_303dlist/20082010_usepa_aprvd_303dlist.pdf.

[29] *See* http://63.199.216.6/larwqcb_new/bpa/docs/R10-003/R10-003_RB_BPA.pdf.

ii. Secondary Receiving Water Limitations

Waterkeeper's review of the sampling data reported to the State and Regional Boards demonstrates that Facility 1 and Facility 2 have discharged and continue to discharge polluted storm water containing pollutant concentrations that violate the Endanger Standard. Discharges from Facility 1 and Facility 2 contain chemicals such as iron, aluminum, lead and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters, and therefore these discharges adversely impact human health and the environment in violation of Receiving Water Limitations.

3. *Monitoring and Reporting Program Violation*

Based on information and belief, Facility 1 and Facility 2 have utterly failed to conduct business operations consistent with the Permit or Act. Facility 1 and Facility 2 have violated and continue to violate the Permit's M&RP requirements. First and foremost, until Facility 2 submitted an NOI in September of 2015, Facility 2 was not enrolled in the Permit and was, from time to time, submitting Annual Reports that purported to treat Facility 1 and Facility 2 as single facility, and or submitting Annual Reports using the WDID for Facility 1. Furthermore, Annual Reports available for Facility 1 and Facility 2 include various and inconsistent addresses, and thus Universal Molding has failed to provide even the most elementary information regarding the physical location and extent of industrial operations subject to the Permit. Additionally, those Annual Reports submitted have included inconsistent information regarding the number and locations of storm water discharges. And for certain reporting years, Facility 1 and/or Facility 2 have entirely failed to submit Annual Reports. Lastly, Facility 1 and Facility 2 have failed to collect the requisite number of storm water samples, and failed to test samples for all parameters, which include, pursuant to the 1997 Permit B(5)(c)(ii)-(iii) and the 2015 Permit XI(B)(6)(c)-(d), Al, Cu, Hg, Mg, Pb, Fe, Zn, Titanium and Chromium as well as any constituent element of pollutants detailed in IMAGE 1 and IMAGE 2.

B. Facility 3

1. Effluent Limitation Violations

According to information available to Waterkeeper, including a thorough review of both electronic and hard copy files in the Regional Board's possession, Facility 3 have been in continuous violation of the Permit's Effluent Limitations for the entirely of the relevant statute of limitations—July 5, 2011 to July 5, 2016. TABLE 4, below, summarizes those data available to Waterkeeper that evidence violations of the Permit's Effluent Limitation at Facility 3.

TABLE 4
SAMPLING DATA DEMONSTRATES ONGOING EXCEEDANCES OF EFFLUENT LIMITATIONS FOR MULTIPLE POLLUTANTS

LINE	SAMPLE DATE	PARAMETER	OBSERVED CONCENTRATION	EPA BENCHMARK	APPLICABLE NAL AFTER 7/1/15	FACILITY
1	2/15/12	Zn	0.241 mg/L	0.117 mg/L	n/a	3
2	2/15/12	Zn	0.192 mg/L	0.117 mg/L	n/a	3
3	2/15/12	Zn	0.208 mg/L	0.117 mg/L	n/a	3
4	2/15/12	Zn	0.345 mg/L	0.117 mg/L	n/a	3
5	2/15/12	Cu	0.041 mg/L	0.0332 mg/L	n/a	3
6	2/15/12	Cu	0.041 mg/L	0.0332 mg/L	n/a	3
7	2/15/12	Cu	0.049 mg/L	0.0332 mg/L	n/a	3
8	2/15/12	Cu	0.055 mg/L	0.0332 mg/L	n/a	3
9	2/15/12	N+N	2.11 mg/L	0.68 mg/L	n/a	3
10	2/15/12	N+N	2.48 mg/L	0.68 mg/L	n/a	3
11	2/15/12	N+N	1.78 mg/L	0.68 mg/L	n/a	3
12	2/15/12	N+N	3.44 mg/L	0.68 mg/L	n/a	3
13	5/14/15	Al	1.28 mg/L	n/a	0.75 mg/L	3
14	5/14/15	Al	3.10 mg/L	n/a	0.75 mg/L	3
15	5/14/15	Zn	0.277 mg/L	n/a	0.26 mg/L	3
16	5/14/15	Fe	4.23 mg/L	n/a	1.0 mg/L	3
17	1/5/16	Fe	7.08 mg/L	n/a	1.0 mg/L	3
18	1/5/16	Fe	1.08 mg/L	n/a	1.0 mg/L	3
19	1/5/16	Al	7.70 mg/L	n/a	0.75 mg/L	3
20	1/5/16	Al	1.50 mg/L	n/a	0.75 mg/L	3
21	1/5/16	Zn	1.3 mg/L	n/a	0.26 mg/L	3
22	1/5/16	Zn	0.51 mg/L	n/a	0.26 mg/L	3
23	1/5/16	Cu	0.10 mg/L	n/a	0.0332 mg/L	3
24	3/7/16	Al	1.8 mg/L	n/a	0.75 mg/L	3
25	3/7/16	N+N	2.24 mg/L	n/a	0.68 mg/L	3

2. Receiving Water Limitations Violations

As described above, discharges that exceed the Cause or Contribute Standard or the Endanger Standard are violations of the Act, and the Permit's Receiving Water Limitations. Based on Waterkeeper's review, sampling data reported to the State and Regional Boards demonstrate that storm water discharges from Facility 3 contain concentrations of pollutants that

exceed both standards, and provide further evidence of Facility 3's has failed and continues to fail to develop and implement adequate BMPs.

i. Primary Receiving Water Limitation

The Basin Plan and the CTR establish relevant WQS for discharges from Facility 3. The Basin Plan also provides a chemical constituent standard that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. Water designated for use as Domestic or Municipal Supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals)..." *Id.* at 3-8. The Basin Plan provides a MCL for Al of 1 mg/L. Further, the CTR establishes numeric receiving water limits for certain toxic pollutants in California surface waters. The CTR sets forth a numeric limit for Zn at 0.067 mg/L in freshwater surface waters. The CTR contains freshwater numeric water quality standards for Cu of 0.013 mg/L (CMC). 65 Fed. Reg. 31712 (May 18, 2000).

Based on these applicable WQSs, Facility 3 has violated and continues to violate the Receiving Water Limitations for discharges documented in TABLE 4 at lines 1-8, 13-15 and 19-24.

ii. Secondary Receiving Water Limitations

Waterkeeper's review of the sampling data reported to the Regional Board demonstrates that Facility 3 has discharged and continues to discharge polluted storm water containing pollutant concentrations that violate the secondary Receiving Water Limitation. Discharges from Facility 3 contain chemicals such as iron, aluminum, lead and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters, and therefore these discharges adversely impact human health and the environment in violation of Receiving Water Limitations.

3. *Monitoring and Reporting Program Violations*

Based on information and belief, Facility 3 has violated and continues to violate the Permit's M&RP requirements. Among other violations, Facility 3 has failed to submit required Annual Reports and/or as submitted incomplete Annual Reports. Facility 3 has failed during multiple years to collect and analyze the requisite number of samples, and failed to test samples for all parameters required under the Permit. *See* 1997 Permit B(5)(c)(ii)-(iii); 2015 Permit XI(B)(6)(c)-(d).

C. Facility 4

1. *Effluent Limitation Violations*

According to information available to Waterkeeper, including a thorough review of both electronic and hard copy files in the State Board's possession, Facility 4 has been in continuous violation of the Permit's Effluent Limitations for the entirely of the relevant statute of limitations—July 5, 2011 to July 5, 2016. TABLE 5, below, summarizes those data available to Waterkeeper that are relevant to violations of the Permit's Effluent Limitation.

TABLE 5
SAMPLING DATA DEMONSTRATES ONGOING EXCEEDANCES OF EFFLUENT LIMITATIONS FOR MULTIPLE POLLUTANTS

LINE	SAMPLE DATE	PARAMETER	OBSERVED CONCENTRATION	EPA BENCHMARK	APPLICABLE NAL AFTER 7/1/15	FACILITY
1	5/14/15	pH	5.67 pH units	6.0-9.0 pH units	n/a	4
2	5/14/15	pH	5.84 pH units	6.0-9.0 pH units	n/a	4
3	5/14/15	Zn	0.44 mg/L	0.117 mg/L	n/a	4
4	5/14/15	Zn	0.372 mg/L	0.117 mg/L	n/a	4
5	5/14/15	Zn	0.431 mg/L	0.117 mg/L	n/a	4
6	1/5/16	Fe	2.14 mg/L	n/a	1.0 mg/L	4
7	1/5/16	Fe	1.48 mg/L	n/a	1.0 mg/L	4
8	1/5/16	Al	1.44 mg/L	n/a	0.75 mg/L	4

2. *Receiving Water Limitations Violations*

i. Primary Receiving Water Limitation

The Basin Plan and the CTR establish relevant WQS for discharges from Facility 4. The Basin Plan also provides a chemical constituent standard that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. Water designated for use as Domestic or Municipal Supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals)..."[30]. The Basin Plan provides a MCL for Al of 1.0 mg/L. Further, the CTR establishes numeric receiving water limits for certain toxic pollutants in California surface waters. The CTR contains freshwater numeric water quality standards for Zn of 0.120 mg/L (CMC). 65 Fed. Reg. 31712 (May 18, 2000).

Based on these applicable WQSs, Facility 4 has violated and continues to violate the Receiving Water Limitations for discharges documented in TABLE 5 at lines 3-5 and 8.

ii. Secondary Receiving Water Limitations

Waterkeeper's review of the sampling data reported to the Regional Board demonstrates that Facility 4 has discharged and continues to discharge polluted storm water containing pollutant concentrations that violate the secondary Receiving Water Limitation. Discharges from Facility 4 contain chemicals such as iron, aluminum, lead and zinc, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Receiving Waters, and therefore these discharges adversely impact human health and the environment in violation of Receiving Water Limitations.

[30] Basin Plan at 3-8

3. *Monitoring and Reporting Program Violations*

Based on information and belief, Facility 4 has violated and continues to violate the Permit's M&RP requirements. Among other violations, Facility 4 has 1) failed to submit an Annual Report in 2011; 2) failed to collected a single storm water sample for both reporting year 2012-13 and 2014-15; 3) failed during multiple years to collect and analyze the requisite number of storm water samples; and 4) failed to analyze samples for all parameters required under the Permit. *See* 1997 Permit B(5)(c)(ii)-(iii); 2015 Permit XI(B)(6)(c)-(d).

IV. Persons Responsible for the Violations

Waterkeeper puts Universal Molding on notice that they are the entities and/or persons responsible for the violations described above. If additional corporate or natural persons are identified as also being responsible for the violations described herein, Waterkeeper puts Universal Molding on notice that it intends to include those persons in this action.

V. Name and Address of Noticing Party

Bruce Reznik
Executive Director
Los Angeles Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401

VI. Counsel

Please direct all communications to legal counsel retained by Waterkeeper for this matter:

Gideon Kracov
Law Office of Gideon Kracov
801 Grand Avenue, Floor 11
Los Angeles, CA 90017
gk@gideonlaw.net

VII. Penalties

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects the Facility to a penalty of up to $37,500 per day per violation. In addition to civil penalties, Waterkeeper will seek injunctive relief to prevent further violations of the Act pursuant to Sections 505(a) and (d), and such other relief as permitted by law. *See* 33 U.S.C. §§ 1365(a), (d). Lastly, Section 505(d) of the Act permits prevailing parties to recover costs and fees, including attorneys' fees. *See* 33 U.S.C. § 1365(d).

Waterkeeper believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. Waterkeeper intends to file a citizen suit under Section 505(a) of the Act against Universal Molding, the Facilities and its agents for the above-referenced violations upon

the expiration of the 60-day notice period. However, during the 60-day notice period, Waterkeeper would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, Waterkeeper suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period as Waterkeeper does not intend to delay the filing of a complaint in federal court.

Sincerely,

Gideon Kracov
Lawyer for Los Angeles Waterkeeper

Exh. A – Rain Event Summary for the Facilities: 2011 through 2016

Cc: Loretta Lynch, U.S. Department of Justice
Gina McCarthy, U.S. Environmental Protection Agency
Alexis Strauss, U.S. Environmental Protection Agency (Region IX)
Thomas Howard, State Water Resources Control Board
Samuel Unger, Regional Water Quality Control Board (Region 4)

VIA U.S. CERTIFIED MAIL

Loretta Lynch, U.S. Attorney General
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Gina McCarthy, Administrator
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Alexis Strauss, Acting Regional Administrator
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Sacramento, California 95812-0100

Samuel Unger, Executive Officer
LA Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

Exhibit A

STORM EVENT SUMMARY: July 2011-July 2016

Days with Rainfall above 0.1 inches

https://www.wunderground.com/history/airport/KCQT/2016/5/16/MonthlyHistory.html?reqcity=Los%20Angeles&req_state=CA&reqdb.zip=90001&reqdb.magic=1&reqdb.wmo=99999)

Date (mm/dd/yy)	Rainfall (inches)
10/05/11	1.15
11/04/11	0.16
11/06/11	0.36
11/12/11	0.16
11/20/11	0.90
12/12/11	0.79
12/13/11	0.17
01/21/12	0.68
01/23/12	0.62
02/15/12	0.13
03/17/12	0.75
03/25/12	0.91
04/10/12	0.15
04/11/12	0.58
04/13/12	0.49
04/25/12	0.20
04/26/12	0.29
11/17/12	0.28
11/29/12	0.21
11/30/12	0.46
12/03/12	0.19
12/18/12	0.43
12/24/12	0.46
12/26/12	0.33
12/29/12	0.45
01/06/13	0.12
01/24/13	0.79
01/25/13	0.17
02/19/13	0.18
03/08/13	0.49
05/06/13	0.69
11/21/13	0.29
11/29/13	0.23
12/19/13	0.11
02/02/14	0.14
02/27/14	1.05

02/28/14	2.24
03/01/14	1.00
03/02/14	0.17
04/01/14	0.25
11/01/14	0.18
11/30/14	0.30
12/02/14	1.21
12/02/14	0.31
12/12/14	1.60
12/16/14	0.41
12/17/14	0.15
12/30/14	0.19
01/10/15	0.48
01/11/15	0.50
02/22/15	0.70
02/28/15	0.11
03/01/15	0.66
03/02/15	0.21
04/07/15	0.13
05/08/15	0.18
09/15/15	2.39
10/05/15	0.40
12/13/15	0.16
12/19/15	0.26
01/05/16	1.61
01/06/16	0.80
01/07/16	0.30
01/31/16	0.43
02/17/16	0.58
02/18/16	0.21
03/06/16	0.64
03/07/16	0.38
03/11/16	0.52
04/08/16	0.14